

REMARKS/ARGUMENTS

Claims 1-59 and 61-85 were presented for examination and are pending in this application. In an Official Office Action dated December 4, 2007, claims 1-6, 8-30, 32-59, 61-72, and 76-85 were rejected. Claims 7, 31, and 73-75 were objected to but would be allowable if rewritten in independent form. The Applicant thanks the Examiner for his consideration and addresses the Examiner's comments concerning the claims pending in this application below.

Applicant herein amends claims 1, 26 and 56 and respectfully traverses the Examiner's prior rejections. Claims 7 and 31 are canceled without prejudice and no new claims are presently added. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution and issuance of the application by incorporating the limitations of claims 7 and 31 into the independent claims. Claims 7 and 31 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. In making this Amendment, the Applicant has not and is not narrowing the scope of the protection to which the Applicant considers the claimed invention to be entitled and does not concede, directly or by implication, that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, the Applicant reserves the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Based on the above amendments and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and withdraw them.

Provisional Rejection of the Claims under Double Patenting

Claims 1-41 and 48-62 were rejected under obvious-type double patenting as being unpatentable over claims 1-37 of co-pending Application No. 09/932,330. A Terminal Disclaimer is herein submitted with respect to this provisional rejection.

Rejection of the claims under 35 U.S.C. 103(a)

Claims 1-6, 9, 12, 18-20, 26-30, 33, 36, 48-50, 56, 61-63, 67-69, 71, 72, 84, and 85 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,052,134 by Foster ("Foster") in view of U.S. Patent No. 5,673,204 by Klingelhofer ("Klingelhofer"). Claims 8, 10, 11, 13-17, 22-24, 32, 34, 35, 37-47, 52-54, and 78-82 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Foster in view of Klingelhofer and in further view of other various pieces of cited art. The Applicant submits that these rejections are moot in view of the incorporation of the limitations found in claims 7 and 31 into independent claims 1, 26 and 56. Reconsideration is respectfully requested.


In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicant's attorney at the telephone number listed below.

Serial No. 10/618,041
Reply to Office Action of December 4, 2007

Please charge deposit account no. 50-1123 \$130 to cover the Terminal Disclaimer fee. No additional fee is believed due for this submittal, however, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

March 4, 2008



Michael C. Martensen, No. 46,901
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5910 Tel
(303) 899-7333 Fax